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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/516,209 | 02/29/2000 | Terry Allen-Rouman | 00617425 | 1082 |

7590 09/27/2002

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[REDACTED] EXAMINER

BASHORE, ALAIN L

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3624

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application N . | Applicant(s) | |
| | 09/516,209 | ROUMAN ET AL. |  |

| | |
|------------------|-----------------|
| Examiner | Art Unit |
| Alain L. Bashore | 3624 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 June 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

Disposition of Claims

4) Claim(s) 14-46 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 14-46 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12, 14</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 14-18, 23-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rowney et al.

There is disclosed a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (figure 4). Purchase information from a vendor and purchaser information from a purchaser are both received as payment information(122) from a funds transfer system. When the payment information is validated, the vendor is notified (130) and funds are transferred. The purchase information includes a purchase price, and the purchaser information includes an identification of a purchaser account. When the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database. The confirming of the digital IOU comprises comparing digital signatures.

There is disclosed establishing a connection from the funds transfer system to the user during check-out of the user with a vendor system. The funds transfer system is separate from the vendor system. The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account. The user account may be a credit card account.

A funds transfer system is disclosed for paying in a transaction with a purchaser, wherein the vendor uses a vendor system and the purchaser users a purchaser system during the transaction. A first and second connection is made between a vendor and purchaser system. Means for validating the transaction is disclosed. The means for validating include: a machine readable medium; means for receiving purchase information, means for receiving payment information, means for comparing, and means for paying. The means for paying may be an ACH. The means for means for receiving purchase information and means for receiving payment information may be a FTP over a network.

Kolling et al does not explicitly disclose:

a digital IOU;

a digital IOU comprising the purchase price;

confirming the digital IOU by comparing a digital signature;

method as part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Kolling et al to include a digital IOU because both Kolling et al and Rowney et al teach notifications that payments will be made and Kolling et al teaches service bureaus that may operate by IOUs with their customers (col 6, lines 50-67).

It would have obvious to one with ordinary skill in the art to modify Kolling et al to include a digital IOU that comprising the purchase price because the purchase price is an important piece of information required for payment purposes per se.

It would have obvious to one with ordinary skill in the art to modify Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et al teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

3. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rowney et al as applied to claims 14-18, 23-44 above, and further in view of Walker et al.

Kolling et al in view of Rowney et al does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rowney et al because Walker et teaches advantages of gift certificates (col1, lines 44-67; col 2, lines 1-33).

4. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rowney et al as applied to claims 14-18, 23-44 above, and further in view of Krishan et al.

Kolling et al in view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

Response to Arguments

5. Applicant's arguments filed 6-18-02 have been fully considered but they are not persuasive.

The payment information and purchase price appears to be compared against a database in Kolling et al (col 6, lines 63-67).

The matching that occurs by the service bureau to Kolling et al appears to be a validating step for validating the payment information at the funds transfer system (col 6, lines 55-58).

Applicant's arguments regarding claim 39 is not commensurate in scope with what is claimed. Claim 39 is not limited to single transactions.

Conclusion

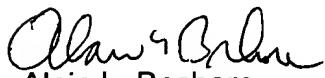
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
September 15, 2002


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600